

IN THE COURT OF METROPOLITAN MAGISTRATE,

28TH COURT, ESPLANADE, MUMBAI

Miscellaneous No.2800373/MISC/2021

C. R. No.671/2020

Order Below Application for Return of Property

1. This is an application for releasing of seized 6 gold biscuits total weighting 600 grams worth Rs. 30,00,000/- on supurtnama. The applicant/informant submitted that he has lodged FIR with the L.T.Marg police station in respect of cheating of 7 gold biscuits weighting 100 grams each by the accused. As per applicant/informant during investigation police has recovered 6 gold biscuits worth Rs. 30,00,000/-. He is the owner of seized biscuits. Hence, he prayed for releasing the said biscuits on supurtnama.
2. The say of I.O. and Ld. A.P.P has been called. The I.O. submitted that after registration of crime, he arrested the accused and at the instance of accused he has seized 6 gold biscuits total weighting 600 grams worth Rs. 30,00,000/- from the relatives of the accused. The I.O. lastly submitted that he has no objection to handover the custody of seized biscuits to the applicant/informant on conditions. The Ld. A.P.P. objected the application on the ground that the seized property is required at the time of trial. Hence till the trial period seized property may not be handed over to the applicant/informant and prayed for rejection of the application.
3. The notice was issued to relatives of the accused i.e. Shardaben Chouhan and Ranjana Chouhan, from whom the gold biscuits are recovered. They have given their no objection to handover the custody of seized biscuits to the applicant/informant. The accused also given his no objection to handover the custody of seized biscuits to the applicant/informant.
4. Perused the application, say, record and heard both side. It is seen from the remand papers and the copy of F.I.R. that, the

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applicant/informant is the original complainant in this case. The I.O., accused as well as relatives of the accused from whom gold biscuits are seized have given their no objection to return the said seized 6 gold biscuits to the applicant/informant. The applicant/ informant is ready to produce the property as and when required by this court during the trial. No other claimant came forward till this date. Hence, there is no impediment in returning the seized gold biscuits to the applicant/informant on appropriate terms and conditions. Therefore, I proceed to pass following order:

Order

1. The seized 6 gold biscuits total weighting 600 grams worth Rs. 30,00,000/- be returned to the applicant/informant Sachin Jankar on executing supurnama (Indemnity Bond) of Rs.35,00,000/- (Rupees Thirty Five Lacs only) before the court on the following conditions namely:
 - a) Applicant/informant shall not alienate, transfer, gift, sale the said seized gold biscuits.
 - b) He shall not change the nature of the property and he shall preserve the property as it is.
 - c) He shall produce the said gold biscuits before the court as and when required.
 - d) He shall furnish his residential as well as business address along-with documents.
2. Investigating officer is directed to take 2 appropriate clear colour photographs of seized gold biscuits and to prepare panchanama of handing over the property to the applicant/informant and further directed to submit the photograph and panchnama before court within three days to be kept with charge-sheet.

Sd/-

Mumbai
Date : 04/09/2021

(Yashshree Marulkar)
Metropolitan Magistrate,
28th Court, Esplanade, Mumbai